

**Amendment Number One  
to the  
Memorandum of Agreement  
Among the Federal Aviation Administration, U.S. Army Corps of Engineers,  
Alaska Department of Transportation and Public Facilities, U.S. Fish and Wildlife  
Service, and Alaska Department of Fish and Game  
Regarding Impacts to Wetland and Other Aquatic Resources, Mitigation and  
Airport Improvement Projects in Alaska**

This document shall serve to amend the Memorandum of Agreement (MOA) dated January 10, 2003. It has been determined that the following changes are clarifications consistent with the intent of the MOA and not substantive modifications. Therefore an Administrative Amendment to this MOA is not required. This Amendment does not alter or extend the provisions of the MOA.

**Changes**

In May 2003, the Alaska Department of Natural Resources (ADNR) became the lead agency for all State permitting. The Alaska Coastal Management Program responsibility was transferred from the Division of Governmental Coordination (ADGC) in the Office of the Governor to the ADNR, Office of Project Management and Permitting (OPMP). Modifications to the MOA as a result are:

- Page 1, is amended to read: *Alaska Statutes 19 and 41*  
The fish habitat permits previously under Alaska Statute Title 16.20, Conservation and Protection of ADF&G, are now provided under Alaska Statute Title 41.14, Fish Habitat. Alaska Statute 19 that provides for ADOT&PF Administration of Highways and Ferries is unchanged.
- Throughout the MOA, clarifications have been made consistent with the current jurisdictional responsibilities for ADGC.

For clarification purposes, the first paragraph (MOA page 7) of section Alaska Wetlands Conservation Fund is amended to read: "The ADOT&PF will deposit the compensation funds into the Alaska Wetlands Conservation Fund established for the purpose of this pilot approach *to be paid prior to project construction.*"

Appendix 1, Avoidance and Minimization Procedures (AMP):

- Have corrected the alphabetic lettering (A. through G.) of the measures to avoid and minimize impacts.

Wetland Avoidance and Minimization Checklist

- Is renamed to *Wetland Avoidance and Minimization Analysis*.
- Throughout the MOA, all references to checklist have been removed and are replaced with either *Analysis* or *form*.

- Clarification is made to the definition of practicable to Appendix 1, A. by substituting the following wording: *"Locate airport facilities in uplands where practicable. Practicable is defined as 'available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (40 CFR 230.3).' Document the rationale when it is determined that siting in uplands is not considered practicable. For example, the rationale may include: cultural resources, eagle nest trees, threatened, endangered or candidate species habitat, subsistence and socio-economic factors."*
- An additional avoidance measure has been added to II, Avoidance Measures: 1.c. *"Can impacts to active nests of migratory birds be avoided through adherence to construction timing windows (as identified in the USF&WS guidelines "Advisory: Recommended Time Periods for Avoiding Vegetation Clearing in Alaska to Protect Migratory Birds")? If not, consult the Service."*
- II. Avoidance Measures, the following additional guidance and clarification is added Question #2. *"Describe the alternatives addressing the project purpose and need that have been evaluated to avoid wetland impacts. (Describe below or reference the applicable section in the NEPA document). If alternatives that avoid wetland impacts are not practicable, explain technical, financial, maintenance or other environmental reasons, and address the following:"*
- III. Minimization Measures, the term *raptors* under Question 1.a has been replaced with *migratory birds*"
- III. Minimization Measures, the following additional guidance and clarification is added Question #2. *"Describe the alternatives addressing the project purpose and need that have been evaluated to minimize wetland impacts. (Describe below or reference the applicable section in the NEPA document). If alternatives that minimize wetland impacts are not practicable, explain technical, financial, maintenance or other environmental reasons, and address the following:"*
- III. Minimization Measures, the following question is added as a reminder that alternative methods to accomplish vegetative obstruction removal for FAR Part 77 purposes that minimize impacts to wetlands should be evaluated: *"2.e. Can obstruction removal for FAR Part 77 purposes be accomplished by methods that do not disturb the root mass or soil surface to minimize vegetation loss? [Note: Any associated chipping of stumps and limbs may result in a regulated discharge if the wood chips are "piled" in waters of the U.S. including jurisdictional wetlands.]"*
- IV. Material Site Considerations, the term *designated* under Question 1 has been replaced with *been identified*.

Concurrence

Other than the changes above, the terms and conditions of the MOA remain unchanged and in full force and effect. The MOA will be effective for each agency upon their signature below.



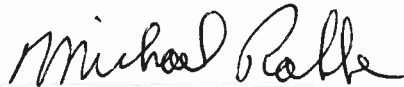
Patricia Sullivan, Environmental Program Manager  
Airports Division, Federal Aviation Administration

10/10/06  
Date



William Ballard, Statewide Environmental Coordinator  
Alaska Department of Transportation and Public Facilities

10/10/06  
Date



Michael Rabbe, Branch Chief  
U.S. Army Corps of Engineers

10/30/06  
Date




Leonard Corin, Program Supervisor  
U.S. Fish and Wildlife Service


10/10/06  
Date


Signatures on original MOA  
Among FAA, USACE, ADOT&PF, USFWS,  
and ADF&G regarding impacts  
to wetland and other aquatic  
resources, mitigation and airport  
improvement projects in Alaska.

Executed on \_\_\_\_\_, by:

  
Division Manager, Date 11/26/02  
Airports Division, Federal Aviation Administration

  
Commissioner, Date 11/29/02  
Alaska Department of Transportation/Public Facilities

  
Commissioner, Date 11.26.02  
Alaska Department of Fish and Game

  
District Engineer, Date 10 January 2003  
U.S. Army Corps of Engineers

  
Regional Director, Date 11/25/02  
U.S. Fish and Wildlife Service